



## NEW JERSEY ENVIRONMENTAL JUSTICE LAW

### Overburdened Communities

#### Technical Notes for the Calculation of Overburdened Communities and their Municipal Designation in Accordance with the New Jersey Environmental Justice Law

Signed into law by Governor Phil Murphy on September 18, 2020, New Jersey's groundbreaking Environmental Justice Law, N.J.S.A. 13:1D-157, (Law) requires the New Jersey Department of Environmental Protection (NJDEP) to evaluate the contributions of certain facilities to existing environmental and public health stressors in overburdened communities when reviewing certain permit applications.

Pursuant to the Law, the Legislature designated an overburdened community as any census block group, as determined in accordance with the most recent United States Census, in which: (1) at least 35 percent of the households qualify as low-income households (at or below twice the poverty threshold as determined by the United States Census Bureau); (2) at least 40 percent of the residents identify as minority or as members of a State recognized tribal community; or (3) at least 40 percent of the households have limited English proficiency (without an adult that speaks English "very well" according to the United States Census Bureau).

To meet this requirement, NJDEP used the most recent census data from 2019 (5-year American Community Survey Data 2015 to 2019). Calculations were done for Census Block Groups (Summary Level 150) and Tribal Areas (Summary Level 280). The table below summarizes the calculations.

The US Census County Subdivision (Summary Level 60) GIS files were then used to identify the municipality for which the overburdened community is designated. These files are similar to New Jersey's municipal boundaries but align with the census block group files needed to comply with the Law. If at least one block group in the municipality met the definition of overburdened community in the Law the municipality will be notified.

If the overburdened community block groups are viewed with New Jersey's municipal GIS data layer, small "slivers" of block groups may be visible. This is due to minor differences between municipal boundaries and census data. As neither data layer provides legal boundaries and are to be used for statistical purposes only, the US Census County Subdivision GIS files are being used for the designation. The department is also informing these municipalities of the "sliver" issue.

Note: Blank fields in the Excel file, interactive mapping tool, and GIS downloadable file are found where Census data was not available.

Also note: The boundary information in the shapefiles used are for statistical data collection and tabulation purposes only; their depiction and designation does not constitute a determination of jurisdictional authority or rights of ownership or entitlement and they are not legal land descriptions.

Definition of OBCs under EJ Law	Census Table	Census Field Calculations
at least 35 percent of the households qualify as low-income households;	C17002: ratio of income to poverty level in the past 12 months	(C17002_001: Total Population for whom poverty status is determined-C17002_008: Population 2.00 and over)/C17002_001: Total Population for whom poverty status is determined
at least 40 percent of the residents identify as minority or as members of a State recognized tribal community;	B03002: Hispanic or Latino origin by race	(B03002_001:Total Population-B03002_003: Not Hispanic or Latino, white alone)/B03002_001:Total Population
at least 40 percent of the households have limited English proficiency.	C16002: household language by households in which no one 14 and over speaks English only or speaks a language other than English at home and speaks English "very well"	(C16002_004:Spanish Limited English Speaking Household + C16002_007Other Indo-European languages Limited English Speaking Household + C16002_010:Asian and Pacific Islander Limited English Speaking Household + C16002_013: Other Languages Limited English Speaking Household)/C16002_001:Total Households